INSTRUCTIONS FOR REQUESTING A TELEPHONE APPEARANCE

- To obtain a packet to apply to appear at your hearing by telephone, contact the Department of Child Support Services (DCSS) at (866) 901-3212 (toll free) or contact the Clerk of The Court, Forms Window at (925) 957-7987. The forms can also be accessed on the intranet at www.courtinfo.ca.gov/forms
- Read and understand the Information Sheet including the California Rule of Court, Rule 5.324 (a copy of the rule is included in the packet).
- Complete the Request for Telephone Appearance, form FL-679, follow the instructions included in the packet..
- Serve all parties, DCSS, the other parent/party, and attorney (if any), by personal delivery, fax, or mail (see enclosed instructions). Also complete the Proof of Services also included.
- Mail or bring in The Request for Telephone Appearance (form FL-679) for filing (12 days before the court hearing), the original and two copies, to the Contra Costa County Superior Court Clerk's Office, Family Law Division, Peter L.
 Spinetta Family Law Center at 751 Pine Street, Martinez, CA 94533. Also enclose a self-addressed, stamped envelope.
 - The Court will return a filed copy of your Request for Telephone Appearance (form FL-679), in your self-address stamped envelope, along with notification either granting or denying the request for telephone appearance.
 - If you cannot file The Request for Telephone Appearance personally or by mail, you may arrange for filing through a fax and file service, consult a local telephone directory.



Rule 5.324. Telephone appearance in Title IV-D hearings and conferences

(a) Purpose

This rule is intended to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.

(b) Definition

"Telephone appearance," as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.

(c) Permissibility of telephone appearances

Upon request, the court, in its discretion, may permit a telephone appearance in any hearing or conference related to an action for child support when the local child support agency is providing services under title IV-D of the Social Security Act.

(d) Exceptions

A telephone appearance is not permitted for any of the following except as permitted by Family Code section 4930:

- (1) Contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person; and
- (2) Any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

(Subd (d) amended effective January 1, 2008.)

(e) Request for telephone appearance

- (1) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency may request permission of the court to appear and testify by telephone. The local child support agency may request a telephone appearance on behalf of a party, a parent, or a witness when the local child support agency is appearing in the title IV-D support action, as defined by rule 5.300(c). The court may also, on its own motion, allow a telephone appearance.
- (2) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 12 court days before the hearing. A local child support agency that files the request for telephone appearance on behalf of a party, a parent, or a witness must file the request with the court clerk at least 12 court days before the hearing. This request must be served on the other parties, the local child support agency, and attorneys, if any. Service must be by personal delivery, fax, express mail, or other means reasonably calculated to ensure delivery by the close of the next court day.
- (3) The mandatory Request for Telephone Appearance (Governmental) (form FL-679) must be filed to request a telephone appearance.

(Subd (e) amended effective January 1, 2008.)

(f) Opposition to telephone appearance

Any opposition to a request to appear by telephone must be made by declaration under penalty of perjury under the laws of the State of California. It must be filed with the court clerk and served at least eight court days before the court hearing. Service on the person or agency requesting the telephone appearance; all parties, including the other parent, a parent who has not been joined to the action, the local child support agency; and attorneys, if any, must be accomplished using one of the methods listed in (e)(2).

(Subd (f) amended effective January 1, 2007.)

(g) Shortening time

The court may shorten the time to file, submit, serve, respond, or comply with any of the procedures specified in this rule.

(h) Notice by court

At least five court days before the hearing, the court must notify the person or agency requesting the telephone appearance, the parties, and attorneys, if any, of its decision. The court may direct the court clerk, the court-approved vendor, the local child support agency, a party, or an attorney to provide the notification. This notice may be given in person or by telephone, fax, express mail, e-mail, or other means reasonably calculated to ensure notification no later than five court days before the hearing date.

(Subd (h) amended effective January 1, 2007.)

(i) Need for personal appearance

If, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(j) Vendors, procedure, audibility, reporting, and information

Rule 3.670(i)-(p) applies to telephone appearances under this rule.

(Subd (j) amended effective July 1, 2011; previously amended effective January 1, 2007, and July 1, 2008.)

(k) Technical equipment

Courts that lack the technical equipment to implement telephone appearances are exempt from the rule.

Rule 5.324 amended effective July 1, 2011; adopted effective July 1, 2005; previously amended effective January 1, 2007, January 1, 2008, and July 1, 2008.

INFORMATION SHEET—REQUEST FOR TELEPHONE APPEARANCE

ATTENTION: Read the **Advisement Regarding Telephone Appearance** on page 2 of FL-679, *Request for Telephone Appearance* to understand your rights.

You can get more information about the telephone appearance process, including any costs or fees for the provider of telephone services, from your local court clerk.

Ask a family law facilitator, the local child support agency, or a lawyer if you have any questions about this process.

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp.

Asking for a Telephone Appearance

- 1. You must use form FL-679 to request a telephone appearance. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee, contact the court clerk or the family law facilitator in your county.
- 2. If you do not want to personally appear because of domestic violence and do not want your home phone number or work phone number listed at item 2 of form FL-679 or other potentially identifying information to be part of the public court record, check with your court clerk or local rules of court regarding any additional local procedures that may be available to protect your confidentiality. For example, some courts may allow you to provide your home phone number or work phone number directly to the court clerk and not disclose it on form FL-679.
- 3. For local information about telephone appearances, check with the local court clerk, family law facilitator, or local child support agency.

Instructions for Completing the Request for Telephone Appearance (Governmental) (form FL-679)

- 1. The court needs to know why you are requesting to appear by telephone. At item 3 of form FL-679, provide the information you would like the court to consider when making its decision. You can attach additional paper if you need more room to explain the circumstances that you want the court to consider in making its decision. If you submit an attachment, check the box at item 6 and indicate the number of pages that you are attaching. The court can still deny your request even if you have checked boxes and/or submitted an attachment.
- 2. File your request with the court clerk's office using form FL-679 no later than **12 court days** before the hearing. (**PLEASE NOTE:** You must still file your moving or opposing papers within the time limits required by Code of Civil Procedure section 1005.)
- 3. Serve all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure that form FL-679 is delivered by the close of the **next court day** after you file it.

Opposing a Telephone Appearance

- 1. At least **8 court days** before the hearing, you must file and serve a declaration under penalty of perjury under the laws of the State of California explaining why you oppose a telephone appearance by the other party or a witness. Your declaration must state "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." You may use *Declaration* (form MC-030), which you can get from the court clerk or the California Courts Web site at *www.courtinfo.ca.gov/forms*. If you do not file a declaration under penalty of perjury opposing a telephone appearance, you give up your chance to object.
- 2. Serve the person or agency requesting the telephone appearance, all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure your declaration is delivered by the close of the **next court day** after you file the form.

The Court's Decision on the Telephone Appearance

At least **5 court days** before the hearing, the court will notify or direct that notice of its decision on the request for a telephone appearance be given to the person or agency requesting the telephone appearance, the parties, a parent who has not been joined to the action, and attorneys, if any. This notice may be given by telephone, in person, or by fax, express mail, e-mail, or other reasonable means to ensure notification no later than **5 court days** before the hearing date.

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GOVERNMENTAL AGENCY (under Family C				FOR COURT USE ONLY	
ATTORNEY OR PARTY WITHOUT ATTORN					
TELEPHONE NO.:		FAX NO. (Optional):			
E-MAIL ADDRESS (Optional):		, ,			
ATTORNEY FOR (Name):					
SUPERIOR COURT OF CALIFORN	NIA, COUNTY OF				
STREET ADDRESS:					
MAILING ADDRESS:					
CITY AND ZIP CODE:					
BRANCH NAME:					
PETITIONER/PLAINTIFF:					
RESPONDENT/DEFENDANT:					
OTHER PARENT:					
				CASE NUMBER:	
REQUE	ST FOR TELEPH	IONE APPEARANCE			
HEARING DATE:	TIME:	DEPT., ROOM, OR DIVIS	ION:	1	
TIEANING DATE.	THVIC.	DEI 1., ROOM, OR DIVIO	ioiv.		
See Information Sheet—Requ	est for Telephone	Appearance (form FL-679	9-INFO) for deadline	s for filing this request, filing	
any opposition, and service.					
1. I, (name):			, am the L	petitioner/plaintiff	
respondent/defendant	other paren				
local child support ager	ncy (LCSA) represe	ntative other (spe	ecify):	in this case.	
If there are domestic violence					
number made publicly available number, unless other options				eed to participate from this phone	
		or local raics of procedu	-		
2. I ask the court to allow	me	in Department	* *	om telephone number ()	
set on (date)	(time)	in Department		above-named court. v a telephone appearance (check all	
that apply). (Note: The court				a telephone appearance (check all	
		ornia in (specify location):	,		
b. I live in		, , , ,	miles from the above	courthouse where the hearing is set.	
c. I am disabled.					
	appear personally b	ecause of domestic violen	ce.		
	ed or confined in (sp			institution at the time of the hearing.	
f. The LCSA makes t	his request on beha	alf of		(insert reason for request at g)	
g. Other (specify):					
4. a. I have filed this req	uest at least 12 cou	urt days before the hearing	g and have served or	will serve all parties (the local child	
support agency and other parent) and attorneys, if any, with this form by personal delivery, fax, express mail, or other					
reasonable means to ensure delivery by the close of the next court day after filing this form.					
b. If there are financial issues to be decided, a current <i>Income and Expense Declaration</i> (form FL-150) or a <i>Financial Statement</i> (Simplified) (form FL-155) has been filed and served on all parties along with the request or response to the					
hearing. (Read page 2 of form FL-155 to determine which form to use.)					
c. I have complied with all requirements of the local rules of court for other supporting proof. 5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court. If this telephone					
appearance request is made by a LCSA on behalf of a party, parent, or witness, that person may be responsible for costs of the					
telephone appearance as ma	ay be required by the				
6. Number of pages attac					
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Date:		L			
(TYPE OR PRIN			(0)011	ATURE) Page 1 of 3	
UTFEORPRIN	/ NIVIL /		(SIGIV)	ATURE) Page 1 of 3	

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT:	

ADVISEMENT REGARDING TELEPHONE APPEARANCE

- 1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
- 2. I will provide my driver's license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
- 3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence; the witnesses' facial reactions, demeanors, or hand gestures; or other visual or nonverbal aspects of the hearing.
- 4. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
- 5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Other reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
- 6. I understand that the court may decide at any time to require my personal appearance and continue my hearing.
- 7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance. I understand that if problems occur, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
- 8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
- 9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
- 10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I may provide a number other than my home and work numbers at which the court can call me collect. I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.
- 11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the local child support agency and the other parent all necessary and appropriate pleadings and documents, including:
 - a. Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155), whichever is appropriate.
 - b. My pay stubs from the last two months or other proof of income.
 - c. The proposed guideline support calculation (optional unless required by local court rule).

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner's acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666)); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me. If the LCSA is making this request, it verifies this advisement was provided to the party, parent, or witness, and that person indicated that he or she understands that the terms apply to him or her.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.							
Date:							
	•						
(TYPE OR PRINT NAME)	(SIGNATURE)						

PETITIONER/PLAINTIFF:			CASE NUMBER:					
RESPONDENT/DEFENDANT:								
	OTHER PARENT:							
	PROOF OF SERVICE	CE						
1.	At the time of service I was at least 18 years of age and not a party to the I	egal action.						
2.	My residence or business address is (specify):							
3.	I served a copy of the foregoing Request for Telephone Appearance (Governmental) and all attachments as follows (check a, b, or c for each person served):							
	a. Personal delivery. I personally delivered a copy and all attachments as follows:							
	(1) Name of party or attorney served: (2)	Name of	local child support agency served:					
	(a) Address where delivered: (a	a) Address w	here delivered:					
		b) Date delive c) Time delive						
	 b. Mail. I am a resident of or employed in the county where the mailing occurred. (1) I enclosed a copy in an envelope and (a) deposited the sealed envelope with the U.S. Postal Service with the postage fully prepaid. 							
	(b) placed the envelope for collection and mailing on the date and at the place shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postag fully prepaid.							
	(2) Name of party or attorney served: (3)	Name of	f local child support agency served:					
	(a) Address: (a	a) Address:						
	(b) Date mailed: (b)	o) Date maile	ed:					
	(c) Place of mailing (city and state):	c) Place of m	ailing (city and state):					
(3) Address Verification (please specify):								
	(a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration (Declaration Regarding Address Verification— Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose).							
	(b) The address for each individual identified in items 3	as						
	(i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.							
	(ii) other (specify): c Other (specify):							
	Additional page is attached.							
l de	eclare under penalty of perjury under the laws of the State of California that t	he foregoing	is true and correct.					
Date:								
	•							
	(TYPE OR PRINT NAME)	(SIGN	ATURE OF PERSON WHO SERVED REQUEST)					